

1 I. NEEL CHATTERJEE (STATE BAR NO. 173985)
nchatterjee@orrick.com
2 THOMAS GRAY (STATE BAR NO. 191411)
tgray@orrick.com
3 JULIO C. AVALOS (STATE BAR NO. 4476370)
javalos@orrick.com
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
5 Menlo Park, CA 94025
Telephone: 650-614-7400
6 Facsimile: 650-614-7401

7 Attorneys for Defendant
FACEBOOK, INC.
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 DANIEL M. MILLER,

14 Plaintiff,

15 v.

16 FACEBOOK, INC. and YAO WEI YEO,

17 Defendants.
18
19
20
21
22
23
24
25
26
27
28

Case No. 5:10-CV-00264 (WHA)

**FACEBOOK, INC.' REQUEST FOR
JUDICIAL NOTICE**

Date: March 11, 2010
Time: 8:00 A.M.
Court: Courtroom 9, 19th Floor
Judge: Honorable William Alsup

1 Defendant Facebook, Inc., hereby respectfully requests that the Court take judicial notice
2 of the document listed below, a copy of which is attached hereto as **Exhibit 1**. Facebook makes
3 this request in support of its Motion to Dismiss the complaint filed by Daniel Miller, filed
4 herewith.

5 Pursuant to Federal Rule of Evidence 201, a court may take judicial notice of facts
6 “capable of accurate and ready determination by resort to sources whose accuracy cannot
7 reasonably be questioned.” “The existence of court records is a proper subject of judicial notice.”
8 *Copple v. Astrella & Rice, P.C.*, 442 F. Supp. 2d 829, 834 (N.D. Cal. 2006) citing United States
9 v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

10 1. Justice Debra A. James’ Order granting Facebook, Inc.’s motion to dismiss in
11 *Finkel v. Facebook, Inc. et al*, Index No. 102578/09, Supreme Court of the State of New York –
12 New York County.

13 Dated: February 2, 2010

Orrick, Herrington & Sutcliffe LLP

14
15
16 /s/ Thomas J. Gray /s/

17 Thomas J. Gray
18 Attorneys for Defendant
19 FACEBOOK, INC.
20
21
22
23
24
25
26
27
28